

Docket No. 95-004M
PATENT APPLICATION

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4/28/04

Conrad O. Gardner

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Conrad O. Gardner	Group Art Unit:	3618
Application No.:	08/896,514	Examiner:	A. Lerner
Filing Date:	06/23/97	Docket No.:	95-004M
Date:			

For: Extended Range Motor Vehicle Having Ambient Pollution Processing

Via Facsimile: (703) 872-9306

Examiner A. Lerner

Art Unit 3618

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FAX NO. 703-556-2727
REF ID: A651177
REFERENCES

Sir:

Attached for your reference are copies of the following documents, including the Reply Brief currently mailed to the Patent Office

1. Reply Brief
2. Request for Oral Hearing
3. Amendment Withdrawing Terminal Disclaimer
4. Declaration Regarding Pioneer Status
5. Associate Power of Attorney

Respectfully submitted,

Conrad O. Gardner

Registration No.: 22,462

Telephone No.: (206) 579-8077

Fax: (206) 269-0137

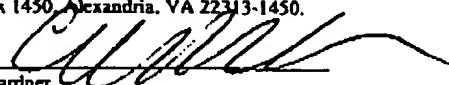
1502 N. 97th Street
Seattle, WA 98103

Docket No. 95-004M
PATENT APPLICATION

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1/27/04

Conrad O. Gardner



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

**DECLARATION UNDER 37 CFR 1.195
REGARDING PIONEER STATUS**

Sir:

This declaration regarding the system disclosed in the present application and continuation patents has gained "pioneer status due to the position occupied by the invention in the art to which it pertains or which it creates (See, *MAC Corp of America v. Williams Patent Crusher and Pulverizer Co.*, 767".

See also CHI Research Paper, "Pioneer Patents" which are heavily cited by later patents, Vol. IV. No. 1, March 1995.

A patent with large numbers of citations may be entitled to broader claims because it has greatly advanced the state of the art. For as Judge Brewer stated in *Westinghouse v. Boyden Power Brake Company*, May 9, 1898, "The very term, 'pioneer patent' signifies that the invention has been followed by others. A pioneer patent does not shut, but opens the door for subsequent inventions.

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Declaration Under 37 CFR 1.195
Regarding Pioneer Status

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Docket No. 95-004M
PATENT APPLICATION

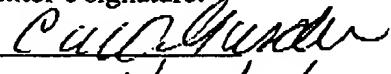
The attached listing of 53 patents cited by the Examiners of the U.S.P.T.O. regarding the present system clearly confirms pioneer status which opened the door for subsequent inventions.

37 CFR 1.195 states that declarations after the case has been appealed will not be admitted without a showing of good and sufficient reasons why they were not presented earlier. Applicant researched the present complete listing of cited patents as of March 14, 2004 during the time period for which a Reply Brief is due.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Inventor: Conrad O. Gardner

Inventor's signature:


Date: 4/27/04

Enclosures:

Research Results for U.S. Patents

5,301,765

5,346,031

CHI Research Article, Vol. IV., No. 1 – March 1995

USPTO PATENT FULL-TEXT AND IMAGE DATABASE**Home****Quick****Advanced****Pat Num****Help****Bottom****View Cart***Searching 1976 to present...***Results of Search in 1976 to present db for:****REF/5,301,764: 20 patents.****Hits 1 through 20 out of 20**

ref/5,301,764

PAT. NO. Title

- 1 [6,554,088](#) **Hybrid vehicles**
- 2 [6,367,570](#) **Hybrid electric vehicle with electric motor providing strategic power assist to load balance internal combustion engine**
- 3 [6,338,391](#) **Hybrid vehicles incorporating turbochargers**
- 4 [6,209,672](#) **Hybrid vehicle**
- 5 [6,205,379](#) **Controller for hybrid vehicle wherein one and the other of front and rear wheels are respectively driven by engine and electric motor**
- 6 [6,064,937](#) **Compound cruise control system and method for solar cars**
- 7 [6,008,606](#) **Starting assistance device for a vehicle with a motor and dog-clutch control for transmitting a torque to idler wheels**
- 8 [6,007,443](#) **Hybrid vehicle**
- 9 [5,988,307](#) **Power transmission apparatus, four-wheel drive vehicle with power transmission apparatus incorporated therein, method of transmitting power, and method of four-wheel driving**
- 10 [5,845,731](#) **Hybrid motor vehicle**
- 11 [5,704,440](#) **Energy distribution method for hybrid electric vehicle**
- 12 [5,667,029](#) **Drive system for hybrid electric vehicle**
- 13 [5,644,200](#) **Driving electrical machine speed controlled power combined system and device**
- 14 [5,627,438](#) **Pulsing control for an inertial drive system for a multi-motor binary array vehicle**
- 15 [5,574,340](#) **Electrical and electromagnetic rotary motor apparatus and method utilizing self-generated secondary electrical energy**
- 16 [5,558,173](#) **Integrated hybrid transmission with mechanical accessory drive**
- 17 [5,557,934](#) **Efficient energy conversion apparatus and method especially arranged to employ a stirling engine or alternately arranged to employ an internal combustion engine**

18 5,550,445 Generator controller and controlling method for hybrid vehicle
19 5,495,906 Controller of hybrid electric vehicle
20 5,489,001 Differential coupling and compound power system for a vehicle

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USPTO PATENT FULL-TEXT AND IMAGE DATABASE[Home](#)[Quick](#)[Advanced](#)[Pat Num](#)[Help](#)[Bottom](#)[View Cart](#)*Searching 1976 to present...***Results of Search in 1976 to present db for:****REF/5,346,031: 33 patents.****Hits 1 through 33 out of 33**

ref/5,346,031

**PAT.
NO.**

1	6,692,405	Power transmission apparatus for an automobile
2	6,668,954	Electric hybrid vehicle
3	6,661,109	Electric generating system for automobiles and its control method
4	6,578,649	Hybrid vehicle
5	6,554,088	Hybrid vehicles
6	6,481,516	Electric hybrid vehicle
7	6,440,036	Power transmission apparatus for an automobile
8	RE37,743	Distributed differential mixing combined power system
9	6,394,209	Motor vehicle serial hybrid drive for I.C. engine operated only at or near full load
10	6,383,114	Hybrid vehicle control apparatus having a device for synchronizing friction members of one of two clutches corresponding to one of two different neutral states
11	6,367,570	Hybrid electric vehicle with electric motor providing strategic power assist to load balance internal combustion engine
12	6,338,391	Hybrid vehicles incorporating turbochargers
13	6,328,670	Power transmission apparatus for an automobile
14	6,234,932	Control apparatus for a hybrid vehicle
15	6,209,672	Hybrid vehicle
16	6,205,379	Controller for hybrid vehicle wherein one and the other of front and rear wheels are respectively driven by engine and electric motor
17	6,142,907	Power transmission apparatus for an automobile
18	6,098,733	Hybrid drive system for motor vehicle
19	RE36,678	Hybrid vehicle
20	6,044,922	Electric hybrid vehicle

<http://patft.uspto.gov/netacgi/nph-Parser?Sect1=PTO2&Sect2=HITOFF&u=%2Fnetacgi%2...> 3/14/04

21 6,008,606 Starting assistance device for a vehicle with a motor and dog-clutch control for transmitting a torque to idler wheels

22 5,992,153 Power unit for a vehicle

23 5,823,282 Hybrid vehicle with oil pump selectively driven by the engine, a generator or a motor

24 5,788,004 Power control system for motor vehicles with a plurality of power-converting components

25 5,785,137 Hybrid electric vehicle catalyst control

26 5,704,440 Energy distribution method for hybrid electric vehicle

27 5,673,939 Fuel tank for storing and dispensing hydrogen and oxygen gas to a fuel cell

28 5,667,029 Drive system for hybrid electric vehicle

29 5,658,013 Fuel tank for vehicles for holding and dispensing both a liquid and gaseous fuel therein

30 5,588,498 Electric hybrid vehicle

31 5,562,566 Distributed differential mixing combined power system

32 5,513,719 Hybrid vehicle

33 5,469,816 Control mechanism for an electric generator motor in an internal combustion engine

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CHI'S RESEARCH

Vol. IV, No. 1 – March 1995
(Reformatted March 2002)

An informal, periodic newsletter to keep our clients and colleagues informed of interesting findings at CHI Research.

'Pioneer Patents' are Heavily Cited by Later Patents

In a series of published papers CHI has shown that technologically important patents tend to be much more highly cited than average patents. We have now extended that finding to legally important patents, by showing that patents designated as 'Pioneer patents' by the courts also tend to be much more highly cited than average patents. Furthermore, in a similar analysis we have found that patents in the National Inventors Hall of Fame are also cited much more than average.

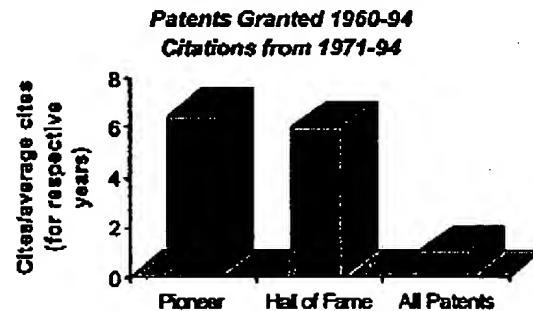
Pioneer patents are patents which the courts have found to be so groundbreaking that they deserve a wide breadth of protection in construing their claims and specifications. Hall of Fame patents are U.S. patents selected by a committee of representatives from national scientific and technical organizations.

The graph below shows the number of citations received since 1971 for Pioneer and Hall of Fame patents issued since 1960; the solid line shows the number of citations an average patent has received since 1971. (1971 is the first year that patent citation data are available in machine readable form.) All of the Hall of Fame patents, and all but two of the Pioneer patents have been cited more than expected, and several have been cited more than 20 times, including S.D. Stookey's 1960 patent "Method of making Ceramics and Product Thereof" with 96 citations since 1971. Stookey's patent has 93 more citations than the average 1960 patent and continues to be cited by recent patents, including 4 patents issued in 1994.

Further, we have found that the citations are rather evenly distributed among later patent years; the citations accrue steadily, and do not suddenly accumulate after a patent is designated as a Pioneer or Hall of Fame patent.

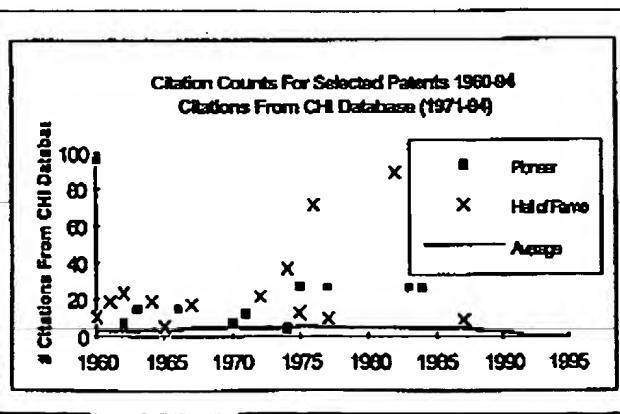
The summary histogram shows that on average, Pioneer patents are cited 6.6 times as frequently as expected, and Hall of Fame patents 6.3 times the expected rate.

Citation Indices for Selected Patents



The Implications

- This is further evidence that important patents tend to be highly cited by later patents.
- Citation analysis may provide solid evidence for use in patent infringement cases.
- A patent with large numbers of citations may be entitled to broader claims because it has greatly advanced the state of the art. For as Justice Brewer stated in *Westinghouse V. Boyden Power Brake Company* May 9, 1898, 'The very term, 'pioneer patent' signifies that the invention has been followed by others. A pioneer patent does not shut, but opens the door for subsequent inventions.'



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Areas of Interest:

- Competitor Assessments
- Core Competency Self Assessments
- R&D Productivity Assessments
- Cross Licensing Support
- M&A Targeting
- M&A Technological Due Diligence
- Investment Databases
- Technology Tracing in Three-Planes

- Domain Mapping
- Hot-Spots Identification
- Critical Technologies
- Science & Technology Linkage (Critical Sciences)
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